

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

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|-------------------------|---|----------------------|
| UNITED STATES,          | : |                      |
|                         |   | Plaintiff-Appellant, |
|                         | : | Appeal No. 24-1069   |
| v.                      | : |                      |
|                         | : |                      |
| AMERICAN HOME ASSURANCE | : |                      |
| COMPANY,                | : |                      |
|                         |   | Defendant-Appellee.  |
|                         | : |                      |

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**CONSENT MOTION FOR AN EXTENSION OF TIME**

Pursuant to Rules 26(b) and 27, Federal Rules of Appellate Procedure, and Rules 26 and 27, Rules of the United States Court of Appeals for the Federal Circuit, plaintiff-appellant respectfully moves this Court for a sixty (60) day extension of time in which to file its brief. The Government's brief is currently due on December 22, 2023, and a sixty (60) day extension of time would extend this due date to and including February 20, 2024. This is plaintiff-appellant's first request for an extension of time for this purpose.

We have not, to date, obtained authority from the Solicitor General to perfect the appeal of this case through the filing of our briefs. Only the Solicitor General can authorize the perfection of an appeal before this Court. This extension of time is necessary to permit us to complete the recommendation to the Solicitor General so that she may reach a decision, to modify any filings to conform to the views of the Solicitor General, and to finalize, print, and file our

brief, if approval is obtained from the Solicitor General.

On December 8, 2023, Taylor Pillsbury, Esq., of the law firm Meeks, Sheppard, Leo & Pillsbury LLP, counsel for defendant-appellee American Home Assurance Company, advised that defendant-appellee consents to the Government's requested 60-day extension of time.

WHEREFORE, plaintiff-appellant respectfully requests that its consent motion for an extension of time to file its brief be granted.

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY  
Director

By: /s/ Justin R. Miller  
JUSTIN R. MILLER  
Attorney-In-Charge  
International Trade Field Office

/s/ Beverly A. Farrell  
BEVERLY A. FARRELL  
Senior Trial Attorney  
Dept. of Justice, Civil Division  
26 Federal Plaza, Room 346  
New York, New York 10278  
Tel. No. (212) 264-9230 or 0483  
Attorneys for Defendant-Appellee

Dated: December 14, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that, on December 14, 2023, a copy of the foregoing Consent Motion for an Extension of Time in Appeal No. 24-1069 was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Beverly A. Farrell  
Beverly A. Farrell  
Senior Trial Attorney

**CERTIFICATE OF COMPLIANCE PURSUANT TO FRAP 32**

I, Beverly A. Farrell, a Senior Trial Attorney in the Office of the Assistant Attorney General, Civil Division, Commercial Litigation Branch, International Trade Field Office, who is responsible for the foregoing motion, relying upon the Microsoft Word count feature of the word processing program used to prepare the brief, certify that this brief complies with the type-volume limitation under Rule 32 (g)(1), and contains 248 words.

/s/ Beverly A. Farrell  
Beverly A. Farrell

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|                         | :                  |

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**DECLARATION**

Beverly A. Farrell submits this declaration and says:

1. I am the attorney in the International Trade Field Office, Civil Division, U.S. Department of Justice, primarily responsible for this appeal.
2. The brief of the United States, plaintiff-appellant, is currently due to be filed under the Rules of this Court on December 22, 2023. This is the first request for an extension of time to file our principal brief. A sixty (60) day extension of time would set the due date to and including February 20, 2024.
3. On December 8, 2023, Taylor Pillsbury, Esq., of the law firm Meeks, Sheppard, Leo & Pillsbury LLP, counsel for defendant-appellee American Home Assurance Company, advised that defendant-appellee consents to the Government's requested 60-day extension of time.
4. We have not, to date, obtained authority from the Solicitor General to perfect the appeal of this case through the filing of our briefs. Only the Solicitor

General can authorize the perfection of an appeal before this Court.

5. This extension of time is necessary to permit us to complete the recommendation to the Solicitor General so that she may reach a decision, to modify any filings to conform to the views of the Solicitor General, and to finalize, print, and file our brief, if approval is obtained from the Solicitor General.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 14, 2023. *See* 28 U.S.C. § 1746(2).

/s/ Beverly A. Farrell  
BEVERLY A. FARRELL  
Senior Trial Attorney